

U.S. Serial No. 10/038,968  
Atty Docket: 24975A

## **REMARKS**

### **Status of Claims**

Claims 1-14 are pending in the present application. Claims 10-14 are withdrawn from consideration. Claims 1-9 stand rejected. Claims 1, 5 and 7-9 have been amended and claims 2-4 have been canceled by this amendment. Favorable reconsideration is respectfully requested in light of the following remarks.

### **Rejection Under 35 U.S.C. 102(a) – Tilton et al.**

Claims 1-3, 5-7 and 9 stand rejected under 35 U.S.C. 102(a) as being anticipated by Tilton et al. (US 2003/0008581).

Applicants have amended claim 1 to include the limitations of claim 4 and claims 2-3 from which claim 4 depends, specifically that the polymer material comprises a polyvinyl chloride. No new matter has been added and Applicants submit that no further searching is deemed to be required. Claims 2-4 have been canceled herein. Claims 5-7 and 9 ultimately depend from currently amended claim 1 and contain the limitations thereof.

Accordingly, Applicants respectfully request that the 102(a) rejection of claims 1-3, 5-7 and 9 be withdrawn.

### **Rejection Under 35 U.S.C. 103(a)**

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Tilton et al. in view of Val.

The Examiner states that Tilton et al. fails to teach or suggest a polymeric material comprising polyvinyl chloride.

Val teaches a structural element for a building having two rigid layers formed from plaster, wood or metal and an intermediate layer of resilient material

U.S. Serial No. 10/038,968

Atty Docket: 24975A

formed from glass fibers expanded in a thermoplastic resin foam, a polyvinyl resin such as plasticized polyvinyl chloride. (col. 5, lines 14-62).

Applicants have amended claim 1 to include the limitations of claim 4 including that said polymeric material comprises a polyvinyl chloride containing a heat stabilizer. No new matter has been added and support can be found in Applicants' specification at page 6, paragraph 3.

Nowhere do Val teach or suggest a liner comprising a multi-layer substrate comprising an insulating layer and first and second structural layers, wherein at least one of said first and second structural layers is formed from a reinforced composite comprising a non-woven mat including a plurality of chopped fibers and a polymeric material wherein said polymeric material comprises a polyvinyl chloride (PVC) containing a heat stabilizer, as Applicants claim.

Applicants' claimed invention contains a PVC/heat stabilizer material to ensure that the resulting mat used to form the layers, and hence, the liner, is capable of being repeatedly exposed to temperatures up to about 400 degrees F without losing its dimensional stability (see Applicants' specification page 6, paragraph 3) as used in a automobile hoodliner application. It would not have been obvious to one of ordinary skill in the art to include a PVC/heat stabilizer material to the structure of Val. Val specifically teaches using a structural element in a wall insulation application in contrast to using the element in a hoodliner application, as taught by Applicant.

As such, Applicants respectfully request that the 103(a) rejection of claim 4 be withdrawn.

U.S. Serial No. 10/038,968  
Atty Docket: 24975A

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Tilton et al.

As indicated above, claim 1 has been amended to include the limitations of claim 2-4. Claim 8 ultimately depends from currently amended claim 8 and contains the limitations thereof. As such, Applicants respectfully request that the 103(a) rejection of claim 8 be withdrawn.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 5 and 6-9 are allowable. The Examiner is invited to telephone the Applicants' undersigned agent at (740) 321-7213 if any unresolved matters remain.

If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicants' agent at the number listed below.

Applicant authorizes any fees required pertaining to this response be charged to Deposit Account No. 50-0568.

Respectfully submitted,  
**OWENS-CORNING**

By Maria C. Gasaway  
Maria C. Gasaway  
Reg. No. 51,721  
2790 Columbus Road,  
Building 54  
Granville, OH 43023  
(740) 321-7213

May 26, 2004